

§ 806.3

(d) MAJCOM and FOA commanders implement this part in their commands and agencies.

(e) FOIA managers:

(1) Control and process FOIA requests.

(2) Obtain recommendations from the office of primary responsibility (OPR) for records.

(3) Provide a reading room for inspecting, copying and giving copies of records to requesters.

(4) Provide training.

(5) Review publications to make sure they comply with this part.

(6) Conduct periodic program reviews.

(7) Approve or deny fee waivers.

(8) Assess and collect fees.

(9) Send extension notices to requesters.

(10) Submit required reports.

(11) Make final determinations on "no records" responses.

(f) OPRs:

(1) Coordinate the release or denial with the offices of collateral responsibility (OCR) and with the Staff Judge Advocate (SJA) and FOIA office on proposed denials.

(2) Provide requested records.

(3) Help the disclosure authority determine whether to release record; and act as declassification authority when appropriate.

(g) Disclosure authorities determine whether to release records and provide them to the FOIA office.

(h) Initial authorities:

(1) Make final decisions to deny records.

(2) Tell requesters the nature of records or information denied, exemption supporting the denial with reason, and appeal procedures.

§ 806.3 Material not covered by the FOIA.

(a) Objects or articles, such as structures, furniture, vehicles, and equipment, whatever their historical value or value as evidence.

(b) Administrative tools for creating, storing, and retrieving records, if not created or used as sources of information about organizations, policies, functions, decisions, or procedures of DoD. Normally computer software, including source code, object code, and listings of source and object codes, re-

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gardless of medium, are not agency records. This does not include the supported data that is processed and produced by such software and that in some instances may be stored with the software.

(c) Personal notes of an individual not subject to agency creation or retention requirements, created and maintained primarily for the convenience of an agency employee, and not distributed to other agency employees for their official use.

(d) Information stored in a computer for which there is no existing computer program for retrieval of the requested information.

(e) If other procedures for processing requests for material not covered by FOIA exist:

(1) Log the request and refer the request outside of the FOIA to the proper office.

(2) Acknowledge the requester's letter, tell the individual where you referred the request, and that the material is not a record under the FOIA.

(f) If no alternative release procedures exist, process the request under FOIA by advising the requester that materials are not agency records and give the requester appeal rights.

§ 806.4 FOIA requests.

(a) Under FOIA, members of the public, including foreign citizens, military and civilian personnel acting as private citizens, organizations and businesses, and individual members of the Congress, for themselves or constituents, may request records in writing. Federal agencies or fugitives from the law cannot make FOIA requests.

(b) Requesters should not use Government equipment, supplies, stationery, postage, telephones, or official mail channels to make FOIA requests. FOIA managers will process such requests and tell requesters that using government resources to make FOIA requests is not an authorized official use.

§ 806.5 Submitting FOIA requests.

Submit written requests that reasonably describe the desired records and include a statement on fees. Address